

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 7, 2000

DIVISION ONE

B128926 Southern California Concrete, Inc. (Not for Publication)
 v.
 Sycamore Grove Circle et al.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B134324 Clarion Corporation (Not for Publication)
 v.
 Yamko Truck Lines, Inc.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

B140791 People (Not for Publication)
 v.
 Lewis

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B136412 Washington
 v.
 Estate of Julius H. Whitehead et al.

Appellant's motion to set aside the dismissal and to reinstate appeal is denied by operation of law. California Rules of Court, Rule 27(e).

DIVISION TWO

B141251 Sandra M. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B141757 Michael L. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged. Petitioner's request for a stay of proceedings is denied.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B132500 Coast Plaza Doctors Hospital
v.
Blue Cross of California

Filed order modifying opinion and certifying opinion for publication. (No change in the judgment)

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B132685 People (Not for Publication)
v.
Yorker

The judgments in case Nos. NA037873 and NA039391 are modified by vacating the three-year prison term, the \$600 Penal Code section 1202.4, subdivision (b), restitution fine, and the stayed \$600 Penal Code section 1202.45 restitution fine imposed in each case on April 30, 1999, and by reinstating the negotiated three-year concurrent prison term, the \$200 Penal Code section 1202.4, subdivision (b), restitution fine, and the stayed \$200 Penal Code section 1202.45 restitution fine imposed in each case on April 19, 1999. As modified, the judgments are affirmed. The trial court is directed to forward to the Department of Corrections amended abstracts of judgment reflecting the above modifications.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

September 7, 2000-Continued

DIVISION THREE (Continued)

B136003 People (Not for Publication)
v.
Christopher C.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B132166 People
v.
Carnes

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B133755 People (Not for Publication)
v.
McBride

The parole revocation fine is ordered reduced to the amount of \$500. The judgment is otherwise affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B142671 In re Dennis R. McBride (Not for Publication)
 on
 Habeas Corpus

The petition is denied.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B141654 Terrance S. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is granted. The court is directed to vacate its order denying reunification services to petitioner and setting the cause for a hearing pursuant to section 366.26 and to enter a new order that appropriate reunification services be provided to petitioner.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B128796 Smith (Not for Publication)
 v.
 Smith

The judgment is reversed. Appellant is to have her costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

B136421 Golden Day Schools (Certified for Publication)
 v.
 Department of Education

The judgment is reversed, and the case remanded to the trial court with directions to set aside its order denying appellant's petition for writ of mandate and to enter a new and different order and judgment directing the Department to afford appellant a new appeals hearing before an impartial arbiter. Appellant is to have its costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B129616 Smith (Not for Publication)
 v.
 Smith

The order of the trial court reducing the amount of child support payable by David for Jamie is reversed and the matter is remanded to the trial court. Rochelle is to have her costs and fees on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B137899 People (Not for Publication)
 v.
 Wilson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

September 7, 2000-Continued

DIVISION FOUR (Continued)

B140306 People (Not for Publication)
v.
Soto

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B134469 People (Not for Publication)
v.
Banuelos

For the foregoing reasons, the order denying appellant's petition for writ of error coram nobis is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B139081 People (Not for Publication)
v.
Christopher N.

The orders are affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B137334 People (Not for Publication)
v.
Padilla

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B137553 People (Not for Publication)
v.
Gregorio Barron

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B137553 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Rosemarie P.
In re Hector P.

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

September 7, 2000-Continued

DIVISION FIVE (Continued)

B134076 People (Not for Publication)
v.
Kevin Floyd

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B133337 People (Not for Publication)
v.
Lay Touch et al.

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B132657 People (Not for Publication)
v.
Juan Granados

The judgment is reversed and the matter remanded for resentencing only.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B137169 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gladys B.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B138083 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Cyril B.
In re Joseph G.

The appeal is dismissed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B139929 People (Not for Publication)
v.
Saul Rojo

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Grignon, J.

DIVISION FIVE (Continued)

B135410 Daniel d'Avignon (Not for Publication)

v.

Val-Mot Avenue P. Associates et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B137342 William Rosar (Not for Publication)

v.

Claremont Graduate University

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B138534 Augustini & Wheeler (Certified for Publication)

v.

Santa Lucia National Bank

The judgment is affirmed. Bank and Broker are awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

September 7, 2000-Continued

DIVISION SIX (Continued)

B135824 People (Not for Publication)
v.
Tamale

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B138760 People (Not for Publication)
v.
Medrano

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B122616 People v. Chaney
B133199 People v. Ghaffari
B131295 People v. Saxton
B131903 People v. Padilla
B130052 People v. Thomas
B132545 People v. Sutton
B134059 People v. Davidson
B134099 People v. Sanchez
B134665 People v. South
B135293 People v. Green
B135316 People v. Connor
B135847 People v. Oliver
B136251 People v. Gutierrez
B136326 People v. Fulton
B136452 People v. Reyes
B137148 People v. Harris
B137528 People v. Avila
B137991 People v. Duran
B138723 People v. Gilbert D.
B139691 People v. Moreno
B138289 D.C.F.S. v. Jeannine B.
B137272 D.D.F.S. v. Pooran S.
B141957 Victoria L. v. S.C.L.A.
B141656 Jovan S. v. S.C.L.A.
B128658 People v. Montoya, Coulter, Rodriguez
B132242 Lewis v. Flaspohler

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B137500 People
 v.
 Dominguez

Merits:
Argued by Manuel Lopez for appellant and by Scott J. Quan, deputy attorney general, for respondent. Cause submitted.

B130052 People
 v.
 Thomas

Appearances:
Steven E. Mercer, deputy attorney general, for respondent, no appearance by counsel for appellant. Argument waived, cause submitted.

B132160 People
 v.
 Ramirez

Merits:
Argued by Marilyn G. Burkhardt for appellant and by Susan E. Papagoda, deputy attorney general, for respondent. Cause submitted.

B135284 People
 v.
 Hawkins

Merits:
Argued by Victoria H. Stafford for appellant and by David A. Wildman, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B134883 People
 v.
 Reyes

Merits:

Argued by Glen Niemy for appellant and by Stephen A. McEwen, deputy attorney general, for respondent. Cause submitted.

B137749 People
 v.
 Ibarra

Merits:

Argued by David M. Morse for appellant and by Alene Games, deputy attorney general, for respondent. Cause submitted.

B137842 People
 v.
 Jorge M.

Merits:

Argued by Dirk L. Hudson, deputy district attorney, for appellant and by Michael A. Theberge, deputy public defender, for respondent. Cause submitted.

B139298 Magged
 v.
 Magged

Merits:

Argued by James R. Eliaser for appellant and by Richard Robbins for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B128004 Jeanson
 v.
 Somekh

Merits:
Argued by Lisa Cheryl Jacobs for appellant and by James M. Eisenman for respondent. Cause submitted.

B141665 Yu
 v.
 Superior Court, Los Angeles County
 (Wellman, r.p.i.)

Merits:
Argued by Basil Dezes for petitioner and by James A. Magee for real party in interest. Cause submitted.

B138758 Lopez et al.
 v.
 Martinez

Merits:
Argued by Walter M. Kaye for appellant and by Link K. Schwartz for respondents. Cause submitted.

B135146 Chicago Title Company
 v.
 Kocourek

Merits:
Argued by Michael Anatole for appellant and by Gerald Greene for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B132640 Pasadena Police Officers Association

v.

City of Pasadena

Merits:

Argued by Richard A. Shinee for appellant and by Richard Kreisler for respondents. Cause submitted.

B137062 Marshall

v.

Gibson, Dunn & Crutcher

Merits:

Argued by Marc J. Poster for appellant and by Stephen A. Kroft for respondent. Cause submitted.

B134419 Heller et al.

v.

Random House, Inc.

Merits:

Argued by Farhad Novian for appellants and by Bradley H. Ellis for respondent. Cause submitted.

B133614 Kotlar

v.

Hartford Fire Insurance et al.

Merits:

Argued by W. James Osborne for appellant and by Todd A. Roberts for respondents. Cause submitted.

B134124 People

v.

Lobos

Oral argument continued to the October calendar.

DIVISION SEVEN (Continued)

B128206 Lee
 v.
 Regent Beverly Wilshire

Oral argument continued to November calendar.

B137535 People
 v.
 Gonzalez

Oral argument continued to October calendar.

B129838 People
 v.
 Baeza

Oral argument continued to November 30, 2000 at 9:00 A.M.

B126589 People
 v.
 Brumbaugh

Oral argument continued to October calendar.

B129272 People
 v.
 Gutierrez

Oral argument continued to October calendar.

B137873 Torres
 v.
 Los Angeles County Metropolitan Authority

Oral argument continued to October calendar.

DIVISION SEVEN (Continued)

B129207 Einstein System, Inc.
 v.
 Uchida

Oral argument continued to October calendar.

Court recessed at 12:21 P.M.

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

B134613 People
 v.
 Hall

Merits:

Argued by Joanna McKim for appellant and by Douglas L. Wilson, deputy attorney general, for respondent. Cause submitted.

B131050 Villalvazo
 v.
 Key Disposal

Merits:

Argued by Eric B. Seuthe for appellant and by Charmaine Jackson for respondent. Cause submitted.

B132347 Spina
 v.
 California Fair Plan

Merits:

Argued by Steve Spina appellant in propria persona and by Michael M. Bergfeld for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B133466 Gonzales et al.
 v.
 County of Los Angeles et al.

Merits:
Argued by Steven C. Glickman for appellants and by Aaron M. Peck for respondents. Cause submitted.

B125395 Hess
 v.
 Ford Motor Company

Merits:
Argued by Richard A. Derevan for appellant and by Michael J. Piuze for respondent. Cause submitted.

B132333 Berman
 v.
 Ward

Merits:
Argued by Dennis Greene for appellant and by Gina E. Och for respondent. Cause submitted.

B131130 Breakzone Billiards
 v.
 Rolling Hills Plaza

Merits:
Argued by Hillary A. Booth for respondent. No appearance by counsel for appellant. Cause submitted.

B137438 Liston
 v.
 Patrice

Oral argument continued to November 2, 2000 at 2:00 P.M.

Court adjourned at 3:38 P.M.